### November 15, 2006

The Village of Milford, Illinois, Complainant,

٧.

T06-0101

CSX Transportation, Inc., Respondent.

Complaint as to the failure of CSX Transportation, Inc., to repair/replace the railroad crossings located on Lyle Street (AAR/DOT 353 643V, milepost 88.10); Jones Street (AAR/DOT 353 641G, milepost 88.03) and Frederick Street (AAR/DOT 353 640A, milepost 87.96) located within the Village of Milford, Illinois.

Mr. George P. Cuonzo Attorney Razzano Law Offices 115 East Walnut Watseka, IL 60970-0300

Dear Mr. Cuonzo:

Receipt is acknowledged of the original Complaint filed November 13, 2006 in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.illinois.gov and apply for an E-docket account.

A copy of the Complaint is being served on the Respondent.

Processing and Information Section

ΚI

Cc:

Mr. Tom Livingston, CSX

Mr. Hal Gibson, CSX

Mr. Dave Maro, Village President

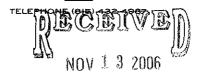
527 East Capitol Avenue, Springfield, Illinois 62701 [TDD ("v/TTY") [217] 782-7434]

### RAZZANO LAW OFFICES

ATTORNEYS AT LAW
HIS EAST WALNUT
P.O. BOX 300
VATSEKA. ILLINOI

WATSEKA, ILLINOIS 60970-0300 ORIGINAL

WALLACE J. BELL (1929-1980)
ROBERT L. DANNEHL
OF COUNSEL



Illinois Commerce Commission RAIL SAFETY SECTION

November 10, 2006 Mr. Michael E. Stead Rail Safety Program Administrator 527 East Capitol Avenue Springfield, IL 62701

TO6-0101

Dear Mr. Stead

A. WILLIAM RAZZANO GEORGE P. CUONZO

### Village of Milford, Illinois, CSX Transportation Railroad Crossings

I am the attorney for the Village of Milford, Illinois, and I write to lodge a formal complaint, as directed by your representative, Mr. Henry Humphries, regarding the condition of the CSX Transportation railroad crossings within the village limits. For your reference, I enclose copies of correspondence with CSX, as well as your agency, the State of Illinois Commerce Commission, and the office of Illinois Governor Rod Blagojevich.

For several years, the CSX railroad crossings in the Village of Milford have been in a state of disrepair and present a severe safety hazard. At the pedestrian crossings, the pavement is completely deteriorated; at two of the three crossings, the pedestrian pavement was completely removed by CSX and has not yet been replaced. This condition has prevailed for more than two years. That pavement which remains is crumbling and the gaps between the rails and any pavement that does remain render the crossings virtually impassable. Pedestrians with baby strollers and senior citizens, or anyone not able to actually jump over the gaps, are forced to cross by walking in the roadway. The street crossings are in equally deteriorated condition and present a severe risk of damage to vehicles.

# 1 :

The effected crossings are as follows:

- Lyle Street (AAR/DOT #353 643V, Milepost 88.10);
- Jones Street (AAR/DOT #353 641G, Milepost 88.03)and
- Frederick Street (AAR/DOT #353 640A, milepost 87.96)

DOCKETED

In January, 2005, a representative of your agency, the Illinois Commerce Commission Transportation Division/Rail Safety Section, conducted an inspection of these crossings and found that they did not (nearly two years ago) meet the minimum requirements of the Illinois Administrative Code, which provides that:

Every grade crossing shall be constructed and maintained in such a manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual and ordinary manner." 92 Illinois Administrative Code (IAC) part 1535.203.

As you can see from the enclosed correspondence, the Village has exhausted its remedies, both with CSX and with your agency, the Illinois Commerce Commission. In January, 2005, your agency, the Illinois Commerce Commission directed CSX Transportation to immediately take measures to bring the crossing surfaces up to the standards prescribed by the Illinois Administrative Code. To date, no repairs have been made.

The latest correspondence from CSX Transportation indicates that crossing reconstruction is expected "sometime between November 15 and December 15, 2006." This is essentially the same type of response the Village of Milford has been receiving for nearly four years. One can easily understand that we have no faith in this response.

The failure of CSX to repair the crossings despite repeated demands from your agency, the Illinois Commerce Commission, and other agencies constitutes an unacceptable transgression of the law and warrants an investigation. The Village of Milford therefore requests your assistance in causing the *immediate* repair of the crossings. To help ensure an effective response, I am sending copies of this correspondence to the Illinois Attorney General's office and the Regional Office of the National Transportation Safety Board, Rail Division.

I would be happy to provide any further information you may need to assist in correcting this problem. I may be contacted at the above address and telephone number, via facsimile on (815) 432 4188, or via e-mail on <a href="mailto:gpcuonzo@yahoo.com">gpcuonzo@yahoo.com</a>.

Thank you for your assistance.

George P Cuonzo

Very Truly Yours,

### Illinois Commerce Commission Railroad Informal Complaint Form

**Section 1.**Contact Information including representing a private citizen, company name, city of, village of, county of, etc.

Full Name:

David N. Maro

Representing:

Village of Milford -President

Street Address:

15 S. West Ave. PO Box 137

City:

Milford

State:

ΙL

Zipcode:

60953

Home Phone No:

815-889-4590

Work Phone No:

815-482-3569

E-Mail Address:

dmaro@dtnspeed.net

Section 2. Enter the crossing location as accurately as possible.

Street:

Frederick, Jones, & Lyle

In or Near:

City:

Milford

County:

Iroquois

Railroad Name:

CSX

Section 3. Enter the type of complaint or inquiry.

Rough Crossing Surface:

True

Excessive Gate or Flashing

Light:

False

Weeds or Brush

Overgrown:

False

Blockage:

False

Other:

crosswalk is impassible This is a safety issue for children using the crossing to go to school. Railroad has been called and we get pushed to another person. No one ever

calls back and nothing has been done for a year. In the past when any work has been

done it has been substandard.

### Illinois Commerce Commission Railroad Informal Complaint Form

**Section 1.**Contact Information including representing a private citizen, company name, city of, village of, county of, etc.

Full Name:

Tricia Huff

Representing:

Village of Milford

Street Address:

15 S. West Ave. PO Box 137

City:

Milford

State:

ΙL

Zipcode:

60953

Home Phone No:

815-889-4249

Work Phone No:

E-Mail Address:

milfordcity@dtnspeed.net

Section 2. Enter the crossing location as accurately as possible.

Street:

Frederick, Lyle, & Jones

In or Near:

Village of Milford

City:

Milford

County:

Iroquois

Railroad Name:

CSX

**Section 3.**Enter the type of complaint or inquiry.

Rough Crossing Surface:

True

Excessive Gate or Flashing

Light:

False

Weeds or Brush

Overgrown:

False

Blockage:

False

Other:

pedestrian crosswalk is tore up to the point that you can not use it. Many complaints from citizens of Milford Children use the crosswalk to go to and from school. Also, all three crossings are rough to travel over. This is doing damage to vehicles. The CSX

trains that go through Milford are traveling at excessive speeds. CSX has been notified

but nothing has been done. They are still traveling at excessive speeds.

### Main identity

From:

"Stead, Mike" <mstead@icc.state.il.us>

To:

<milfordcity@dtnspeed.net>

Sent:

Friday, January 21, 2005 10:38 AM

Subject:

RE: On-Line Complaint from Tricia Huff

Ms. Huff - Thank you for the online complaint you submitted regarding rough surfaces at the Frederick Street, Jones Street, & Lyle Street highway-rail grade crossings of CSX Transportation's tracks in Milford, Iroquois County. I appreciate your concern for public safety.

We received a similar complaint form another resident of Milford, and a representative of this office has been assigned to investigate your concerns. If existing conditions do not meet the Commission's minimum requirements, the CSX will be directed to make repairs as soon as possible.

I trust this information will be helpful. If you have any questions, or need additional information, please contact me.

Michael E. Stead Rail Safety Program Administrator Illinois Commerce Commission 527 E. Capitol Avenue Springfield, IL 62701 (217) 557-1285 mstead@icc.state.il.us

----Original Message----

From: milfordcity@dtnspeed.net [mailto:milfordcity@dtnspeed.net]

Sent: Friday, January 21, 2005 9:37 AM

To: Stead, Mike

Subject: On-Line Complaint from Tricia Huff

[TO]

mstead@icc.state.il.us

[FROM]

milfordcity@dtnspeed.net

[SUBJECT]

On-Line Complaint from Tricia Huff

[MESSAGE]

Date: 1/21/2005 9:37:15 AM Full Name: Tricia Huff

Street Address: 15 S. West Ave. PO Box 137

City: Milford State: IL

Zipcode: 60953

Bill Full Name: Tricia Huff Home Phone No: 815-889-4249

Work Phone No:

E-Mail Address: milfordcity@dtnspeed.net

Name of Street or Road that crosses the RR Track: Frederick, Lyle, & Jones

Crossing In or Near: Village of Milford

Crossing City: Milford Crossing County: Iroquois RailRoad Name: CSX Rough Crossing Surface: Yes

Other: Yes

Other: pedestrian crosswalk is tore up to the point that you can not use it.

Many complaints from citizens of Milford

Children use the crosswalk to go to and from school.

Also, all three crossings are rough to travel over. This is doing damage to vehicles.

The CSX trains that go through Milford are traveling at excessive speeds. CSX has been notified but nothing has been done. They are still traveling at excessive speeds.

IP Address: 12.161.97.252

Browser: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; Local Line, INC; SV1)

[END]

TF 1 '

### STATE OF ILLINOIS



## ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

January 26, 2005

Mr. Hal Gibson Principle Engineer, Public Improvements CSX Transportation, Inc. 4901 Belfort Road - J350, Suite 130 Jacksonville, FL 32256

R05-016

Dear Mr. Gibson:

On January 24, 2005, a representative of this office inspected the Lyle Street (AAR/DOT #353 643V, milepost 88.10), Jones Street (AAR/DOT #353 641G, milepost 88.03) and Frederick Street (AAR/DOT #353 640A, milepost 87.96) highway-rail grade crossings of CSX Transportation's tracks in Milford, Iroquois County. The inspection was conducted in response to a rough surface complaint we recently received. Results of the inspection indicate existing conditions at the crossings do not meet the minimum requirements of 92 Illinois Administrative Code (IAC) 1535.203.

Problems with the crossings include:

- Lyle Street The existing main track crossing is equipped with an Epton rubber and asphalt surface. The surface is approximately 1" lower than the top of rail. The main track crossing is beginning to develop potholes. The potholes need to be patched with cold mix and when weather permits, patched with hot mix asphalt. The pedestrian crossing is in poor shape, and should be patched in the same manner as the main track roadway crossing. Copies of photographs taken at the crossing are enclosed for your information.
- ▶ Jones Street The existing main track crossing is equipped with an Epton rubber and asphalt surface. The surface is approximately 1" lower than the top of rail. The main track crossing is beginning to develop potholes. The potholes need to be patched with cold mix and, when weather permits, patched with hot mix asphalt. The pedestrian crossing is developing potholes, and should be patched in the same manner as the main track roadway crossing. Copies of photographs taken at the crossing are enclosed for your information.
- Frederick Street The existing main track crossing is equipped with an Epton rubber and asphalt surface. The surface is approximately 1"-2.5" lower than the top of rail. The main track crossing is beginning to develop potholes. The potholes need to be patched with cold mix and when weather permits, patched with hot mix asphalt. The asphalt approach should be roto-milled to make the approach smooth with the top of rail. The pedestrian crossing is almost gone.

11.11

### Illinois Commerce Commission Railroad Informal Complaint Form

**Section 1.**Contact Information including representing a private citizen, company name, city of, village of, county of, etc.

Full Name:

Tricia Huff

Representing:

Village of Milford

Street Address:

15 S. West Ave.

City:

Milford

State:

IL

Zipcode:

60953

Home Phone No:

815-889-4249

Work Phone No:

815-889-4590

E-Mail Address:

milfordcity@dtnspeed.net

Section 2. Enter the crossing location as accurately as possible.

Street:

Frederick, Lyle, and Jones St.

In or Near:

Village of Milford

City:

Milford

County:

Iroquois

Railroad Name:

CSX

**Section 3.**Enter the type of complaint or inquiry.

Rough Crossing Surface:

True

Excessive Gate or Flashing

Light:

False

Weeds or Brush

Overgrown:

False

Blockage:

False

Pedestrian crosswalk is unsafe. Complaints that strollers are getting stuck because of the gaps between the tracks and broken asphalt. Please see to it that something is done. We have sent complaints before and nothing is being done (January 21, 2005). The Village of Milford has been filling in asphalt on the tracks because they are so

Other:

The Village of Milford has been filling in asphalt on the tracks because they are so rough. This is not our responsibility. CSX is responsible and should be made to correct

these problems immediately.

# Illinois Commerce Commission Railroad Informal Complaint Form

**Section 1.**Contact Information including representing a private citizen, company name, city of, village of, county of, etc.

Full Name:

Tricia Huff

Representing:

Village of Milford

Street Address:

15 S West Ave

City:

Milford

State:

Illinois

Zipcode:

60953

Home Phone No:

815-889-4249

Work Phone No:

815-889-4249

E-Mail Address:

milfordcity@dtnspeed.net

**Section 2.** Enter the crossing location as accurately as possible.

Street:

Lyle, Jones, & Frederick

In or Near:

City:

Milford

County:

Iroquois

Railroad Name:

CSX

**Section 3.**Enter the type of complaint or inquiry.

Rough Crossing Surface:

Excessive Gate or Flashing

Light:

False

True

Weeds or Brush

Overgrown:

False

Blockage:

False

Henry Humphreys called after the last complaint and informed us that CSX would be fixing the tracks and pedestrian crosswalks starting the third week of August. He stated that he would be trailing them to be sure they were here and the work was done by state standards. In the past, CSX has given the Village substandard work. They have been seen working around Milford in October. They have left and the

pedestrian crosswalks have not been fixed. The pedestrian crosswalk on Lyle has been torn out and it is unsafe. They are all unsafe. Residents have been complaining about

getting baby strollers caught in the crosswalks. This is getting tiring. We have

contacted Representative Tim Johnson's district aide, Kevin Johnson. He is asking for pictures and is going to help us. We were assured that the ICC would take care of this and that is not happening. The Village of Milford is very disappointed in the ICC. You expect us to do what is right and in the safety of all but we can't count on you to

protect us when we need it.

Other:

### Main Identity

From:

"Stead, Mike" <mstead@icc.illinois.gov>

To:

<milfordcity@dtnspeed.net>

Cc:

"Humphries, Henry" <hhumphri@icc.illinois.gov>; "Shanle, Sheri" <sshanle@icc.illinois.gov>;

<Tom\_Livingston@csx.com>

Sent: Subject: Thursday, October 20, 2005 2:39 PM RE: On-Line Complaint from Tricia Huff

Ms Huff - I'm sorry to hear that all crossing repairs in Milford have not been completed to your satisfaction. We had been advised by the CSX that all work was completed. We have plans to inspect the work next week. If the work is not complete, or does not meet our minimum requirements, the railroad will be directed to make additional repairs.

Michael E. Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
(217) 557-1285
mstead@icc.illinois.gov

----Original Message----

From: milfordcity@dtnspeed.net [mailto:milfordcity@dtnspeed.net]

Sent: Thursday, October 20, 2005 10:17 AM

To: Stead, Mike

Subject: On-Line Complaint from Tricia Huff

[TO]

mstead@icc.state.il.us

[FROM]

milfordcity@dtnspeed.net

[SUBJECT]

On-Line Complaint from Tricia Huff

[MESSAGE]

Date: 10/20/2005 10:17:00 AM

Full Name: Tricia Huff

Street Address: 15 S West Ave

City: Milford State: Illinois Zipcode: 60953

Bill Full Name: Tricia Huff Home Phone No: 815-889-4249 Work Phone No: 815-889-4249

E-Mail Address: milfordcity@dtnspeed.net

Name of Street or Road that crosses the RR Track: Lyle, Jones, &

Frederick

Crossing In or Near: Crossing City: Milford Crossing County: Iroquois RailRoad Name: CSX

Rough Crossing Surface: Yes

#### tricia

From:

tricia [milfordcity@wigi.us]

Sent:

Monday, August 21, 2006 2:47 PM

To:

Cory Birch

Subject:

RE: HEY TRICIA CHECK THIS OUT

#### Cory,

I have made copies of the complaints I have e-mailed. The number is 4. Also, I think Dave sent one or two from his home computer but I do not have a copy. I know several residents of the community turned in similiar complaints and I mailed them but I did not think of making copies. I bet there were around 10.

#### Tricia

----Original Message----

From: Cory Birch [mailto:cory@geigertruck.com]

Sent: Monday, August 21, 2006 1:42 PM

To: TRICIA

Subject: HEY TRICIA CHECK THIS OUT

SOUNDS LIKE I'M GETTING THE SAME RESPONSE AS YOU. I AM GOING TO CALL MR. STEAD, BUT BEFORE I DO I NEED TO KNOW ABOUT HOW MANY TIMES WE HAVE COMPLAINED TO THE ICC ABOUT THIS. LET ME KNOW. THANKS, CORY

Cory Birch Geiger Truck Parts 1-800-874-3443 Ext#111 Watseka, IL 60970 cory@geigertruck.com

---- Original Message -----

From: "railsafetymail" <railsafety@icc.illinois.gov>

To: <cory@geigertruck.com>

Cc: "Humphries, Henry" <hhumphri@icc.illinois.gov>; "Shanle, Sheri"

<sshanle@icc.illinois.gov>

Sent: Monday, August 21, 2006 8:20 AM

Subject: RE: On-Line Complaint from CORY DAVID BIRCH

- > Mr. Birch Thank you for submitting an online complaint regarding rough
- > surface conditions at various public highway-rail grade crossings of CSX
- > Transportation's track in Milford, Iroquois County. I appreciate your
- > concern for public safety.
- > We are aware of the rough surface conditions that you are concerned
- > about, as well as at other crossings between Woodland Junction and
- > Danville. We have notified the CSX that repairs are required at
- > numerous crossings in those areas and are monitoring the railroad's
- > repair efforts. If the railroad does not repair the crossings to meet
- > the Commission's minimum requirements, we will take further action.
- > If you have any questions, or need additional information, please
  > contact me.
- > Michael E. Stead
- > Rail Safety Program Administrator
- > Illinois Commerce Commission
- > 527 E. Capitol Avenue
- > Springfield, IL 62701
- > (217) 557-1285

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> mstead@icc.illinois.gov
 > ----Original Message----
 > From: cory@geigertruck.com [mailto:cory@geigertruck.com]
 > Sent: Wednesday, August 16, 2006 3:42 PM
 > To: railsafetymail
 > Subject: On-Line Complaint from CORY DAVID BIRCH
 > [TO]
 > railsafety@icc.illinois.gov
 > [FROM]
> cory@geigertruck.com
> [SUBJECT]
> On-Line Complaint from CORY DAVID BIRCH
  (MESSAGE)
> Date: 8/16/2006 3:42:19 PM
> Full Name: CORY DAVID BIRCH
> Street Address: 203 N. ILLINOIS
> City: MILFORD
> State: ILLINOIS
> Zipcode: 60953
> Bill Full Name: CORY DAVID BIRCH
> Home Phone No: 815-889-4205 OR 815-471-4205
> Work Phone No: 815-889-4249
> E-Mail Address: cory@geigertruck.com
> Name of Street or Road that crosses the RR Track: east lyle, east jones,
> & east fredrick
> Crossing In or Near: 3 crossings
> Crossing City: MILFORD
> Crossing County: IROQUOIS
> RailRoad Name:
> Other: HELLO, MY NAME IS CORY BIRCH. I AM A VILLAGE TRUSTEE FOR THE
> VILLAGE OF MILFORD, IL 60953. WE HAVE MAJOR ISSUES WITH OUR CROSSINGS IN
> OUR TOWN. AS YOU KNOW SCHOOL IS GOING TO BEGIN SOON, AND WE HAVE YET TO
> SEE ANY IMPROVMENT AS TOLD TO US BY CSX RAILROAD. LYLE ST. IN PARTICULAR
> THE CROSSING AT EAST LYLE STREET HAS MANY DEEP POT HOLES AROUND THE
> EDGES OF THE RAILROAD TIES. THIS IS NOT GOOD CONSIDERING CSX RIPPED UP
> THE SIDEWALK CROSSING AT THE BEGINNING OF THE SUMMER. THIS LEAVING
> PEOPLE NO CHOICE BUT TO USE THE ROADWAY TO CROSS THE TRACKS. THIS COULD
> BECOME A LIFE THREATENING SITUATION. THE CROSSINGS ON EAST JONES AND
> EAST FREDRICK ARE ALSO IN DIRE NEED OF REPAIR ON THE SIDEWALK CROSSINGS
> AS WELL AS THE STREET. THE PEOPLE OF MILFORD REALLY NEED THIS ISSUE TO
> BE DELT WITH. WE HAVE COMPLAINED NUMEROUS TIMES ON THIS MATTER AND STILL
> WE GET NO RESPONSE. WE ASSUME IT IS YOUR JOB TO MAKE SURE CSX RAILROAD
> TAKE ACTION ON THIS MATTER IN A TIMELY FASHION. WE HAVE REACHED A POINT
> WHERE SOMETHING HAS TO BE DONE AND DONE SOON. PLEASE GIVE ME A CALL
> ANYTIME ON MY CELL PHONE @ 815-471-4205 OR THE VILLAGE HALL @
> 815-889-4249 AND ASK FOR TRICIA HUFF. THANK YOU FOR YOUR TIME. CORY
> IP Address: 68.20.186.102
> Browser: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET
> CLR 1.1.4322)
  [END]
```

40 40 1 3

### E-mail message

From:

aadsit@Austin.rr.com(andrew adsit)

Date:

Mon, Sep 25, 2006, 3:47pm

To:

hbadsit@webtv.net (William Adsit)

Subject: Re: Email Complaint to Gov. Blagojevich (Rough Crossings in Milford)

September 25, 2006

Mr. William Adsit Democratic Committeeman Iroquois County P. O. Box 6

Dear Mr. Adsit:

Milford, IL 60953

This is in response to the email message dated September 7, 2006, you sent to Governor Rod Blagojevich regarding rough surface conditions at the Jones Street and Lyle Street highway-rail grade crossings of CSX Transportation's (CSX) track in Milford, Iroquois County. The Governor's Office has asked me to respond.

This office is aware of rough surface conditions at the two crossings you mentioned, as well as several other crossings in Iroquois and Vermilion Counties. We have directed CSX to make repairs as soon as possible. CSX has made a commitment to make repairs this year to all crossings between Woodland Junction (near St. Anne) and Danville that do not meet the Commission's minimum requirements. Representatives of this office are monitoring the railroad's progress. If the repairs are not completed within the timeframe committed to by CSX, enforcement action will be undertaken against the railroad.

I trust this information will be helpful. If you have any questions, or need additional information, please contact me at (217) 557-1285 or mstead@icc.illinois.gov.

Very truly yours,

Michael E. Stead

Rail Safety Program Administrator



### Write an e-mail message

| From: hbadsit@webtv.net.<br>(William Adsit) |  |
|---|--|
| To: GOV. ROD BLAGOJEVICH                    |  |
| Subject: ATT: MEGAN                         |  |

TO: Gov. Rod Blagojevich

ATT: Megan

FROM: William Adsit Milford, Illinois

IROQUOIS COUNTY

Request for help!!

As per our phone conversation this AM, Thursday, September 07, 2006, we have 2 rail crossings in Milford, (IL), that are in a very dangerous condition for both cars and pedestrians. These crossings are used by C.S.X. transportation

- a) crossing ID #353 641 G on Jones St.
- b) crossing ID #353 643 V on Lyle St.

CSX Emergency #1-800-232-0144

If you could help us get these crossings repaired, it would be much appreciated!!

William Adsit
Democratic Committeeman
froquois County
Milford Precinct #2

P.O. Box #6 Milford, II. 60953

815-889-4770